

H. B. No. 18, A bill to be entitled "An Act prohibiting the taking, trapping, or killing of raccoons and mink in Fayette County for a period of three (3) years; providing a penalty therefor; and declaring an emergency."

H. B. No. 16, A bill to be entitled "An Act repealing H. B. No. 399, passed in the Regular Session of the Forty-third Legislature, the same being a game bill for Polk and Trinity Counties; and declaring an emergency."

H. B. No. 19, A bill to be entitled "An Act prescribing the compensation and travel and other expenses for county commissioners in certain counties; prescribing the funds from which the same shall be paid; repealing all laws in conflict herewith; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Pending an address to the Senate by Senator Hill on a question of personal privilege, Senator Shivers occupied the Chair temporarily.

(President Pro Tempore Beck in the Chair.)

Adjournment

On motion of Senator Kelley, the Senate, at 10:40 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

FIFTH DAY

(Tuesday, September 16, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Senator Shivers.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Brownlee	Metcalfe
Cotten	Moffett
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Kelley	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Aikin.

Senator Van Zandt was granted leave of absence for today on account of important business, on motion of Senator Mauritz.

Senator Beck was granted leave of absence for this morning on account of important business, on motion of Senator Ramsey.

Senator Hill was granted leave of absence for today on account of important business, on motion of Senator Cotten.

Senator Chadick was granted leave of absence for today on account of important business, on motion of Senator Formby.

Senator Isbell was granted leave of absence for today on account of important business, on motion of Senator York.

Senator Moore was granted leave of absence for today on account of important business, on motion of Senator Weinert.

Message from the House

A Clerk from the House was recognized by the Presiding Officer to present the following message:

Hall of the House of Representatives,
Austin, Texas,
September 16, 1941.

Hon. E. Harold Beck, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 12, A bill to be entitled "An Act granting consent by the State to Mrs. Mamie Scherrer and husband Emil Scherrer, their heirs, executors, administrators and assigns, to file suit against the State of Texas and/or County of San Patricio and/or State Highway Department of Texas in the District Court of San Patricio County, Texas; and to impose liability upon

the State of Texas for the negligence of its agents, officers or representatives for damages proximately caused by such negligence to the above named Mrs. Mamie Scherrer, growing out of an automobile accident on the public highway running from Sinton to Taft, Texas, and providing for process in such suit upon the Attorney General of Texas, providing appeal may be prosecuted to the Court of Civil Appeals and other appellate court and the Supreme Court of Texas precisely as if both parties to such appeal were private individuals; and providing that this Act shall constitute no admission of liability on the part of the State; providing further that the invalidity of one part of the Act should not render invalid other provisions; and declaring an emergency."

H. B. No. 20, A bill to be entitled "An Act to amend Section 1 of H. B. No. 271, Acts of the Regular Session of the Forty-seventh Legislature, the Judiciary Appropriation Bill, by adding thereto a new Section to be known as Section 1a, to make an appropriation of Two Thousand Six Hundred (\$2,600.00) Dollars for the payment of compensation or fees to attorneys, including county attorneys, who, since January 1, 1940, to the effective date of this Act, have performed the duties of a district attorney pursuant to the provisions of Articles 26 and 31 of the Code of Criminal Procedure of Texas; and making an appropriation of Ten Thousand (\$10,000.00) Dollars for the payment of compensation or fees to attorneys, including county attorneys, performing the duties of a district attorney, pursuant to the provisions of Articles 26 and 31 of the Code of Criminal Procedure of Texas, from the effective date of this Act through the biennium ending August 31, 1943; providing for the payment of such compensation or fees when approved by the district judge; and declaring an emergency."

H. B. No. 22, A bill to be entitled "An Act to validate, ratify, and confirm elections and proceedings had in connection with the issuance of bonds by counties for the construction of livestock and agricultural exhibition buildings; authorizing and empowering counties to issue bonds in the amounts voted in said elections where question submitted to qualified electors of said county and majority of the qualified voters of said county who own taxable property and who have duly rendered the same for tax-

ation voting at said election on said proposition voted in favor of the issuance of bonds and levying of tax to pay interest and provide a sinking fund for such purpose; authorizing said county to complete proceedings for issuance and delivery of such bonds; declaring said bonds valid legal obligations upon approval by the Attorney General and registration with the Comptroller of Public Accounts, and sale at not less than par value and accrued interest; and declaring an emergency."

H. B. No. 23, A bill to be entitled "An Act to amend H. B. No. 397 passed by the Regular Session, Forty-seventh Legislature, 1941, validating the order of the Commissioners' Court of Bowie County, Texas, which required the county tax assessor and collector to accept in full payment of all county taxes delinquent for the years 1930, 1931, 1932 and 1933, and due in 1934, the sum of fifty cents on the dollar; and instructing the State Comptroller to abide by the order of the said commissioners' court; and declaring an emergency."

H. B. No. 24, A bill to be entitled "An Act making it unlawful for any person to hunt or kill quail outside of the county of his residence on the private lands of another person except on certain days; providing a penalty; making the Act applicable to Henderson County; repealing laws in conflict; granting authority to officers for enforcement of the Act; and declaring an emergency."

H. B. No. 25, A bill to be entitled "An Act amending H. B. No. 921, Acts of the Regular Session of the Forty-seventh Legislature, eliminating doves from the provisions of said Act; and declaring an emergency."

H. B. No. 26, A bill to be entitled "An Act regulating the time when a convict shall be discharged while out on conditional clemency; defining conditional clemency; prescribing the duties of the prison officials; and declaring an emergency."

H. B. No. 29, A bill to be entitled "An Act amending H. B. No. 6, Acts, 1929, of the Forty-first Legislature, Second Called Session, page 172, Chapter 88, with the amendments thereto and adding a new Section providing for the establishment of sub-offices or branch offices outside the county seat by the tax collector for the registration of motor vehicles and issuance of receipts incident thereto. Auth-

orizing the tax collector to so establish such offices when authorized by the commissioners' court and to appoint deputies therein; providing for salary or compensation for said deputies; repealing laws in conflict therewith; providing method of accounting for monies collected and receipts issued; and declaring an emergency."

H. B. No. 30, A bill to be entitled "An Act to prohibit the taking of squirrels in Fayette County, Texas, during certain months of each year; providing for an exception when squirrels are found to be damaging crops; repealing all laws in conflict; providing penalty for violation of said Act; and declaring an emergency."

H. B. No. 31, A bill to be entitled "An Act providing for a closed season or a period of time when it shall be unlawful to take bullfrogs from any portion of Fayette County, Texas; providing for a penalty for violation of said Act; and declaring an emergency."

H. B. No. 33, A bill to be entitled "An Act to amend subdivision 38, of Article 199, Title 8, Revised Statutes of 1925, as amended by Act of the Forty-fifth Legislature at its Regular Session, page 484, Chapter 246, and providing for changing and prescribing terms and times for holding the Courts in the Counties composing the Thirty-eighth Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of court in the several counties herein fixed; validating the summoning of grand and petit jurors under the present law so as to render them available under this Act; repealing all laws and parts of laws in conflict herewith; and providing the time for this Act to take effect; and declaring an emergency."

H. B. No. 28, A bill to be entitled "An Act authorizing the commissioners' court in each county in this State having a population of not less than six thousand two hundred (6,200) and not more than six thousand two hundred and fifty (6,250), according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction and maintenance of the public roads of the county, to be paid out of the Road and Bridge Fund of the respec-

tive commissioner's precinct; requiring each such commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county; and declaring an emergency."

H. B. No. 6, A bill to be entitled "An Act making an appropriation for the biennium beginning September 1, 1941, and ending August 31, 1943, of moneys coming into the County and Road District Highway Fund, and all moneys on hand remaining therein from the previous year to carry out the provisions of Chapter 13, General Laws, Forty-second Legislature, Third Called Session, as amended; and declaring an emergency."

H. C. R. No. 4, Granting the heirs of William Walsh and Dora Walsh permission to sue the State.

H. C. R. No. 6, Authorizing the State Highway Department to lend certain equipment to the City of Mount Pleasant.

H. C. R. No. 8, Making certain requests of Congress with reference to the Social Security Act.

H. C. R. No. 9, Granting the Harper Standard Engraving Company of Dallas, Texas, permission to bring suit against the State of Texas.

H. C. R. No. 11, Providing for sine die adjournment on Friday, September 19, 1941.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Messages from the Governor

The Presiding Officer laid before the Senate and had read the following messages from the Governor:

September 15, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be a Member of the State Board of Water Engineers for a six year term expiring August 19, 1947:

A. H. Dunlap of Barstow, Ward County.

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

September 15, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the Board of Directors of the Upper Red River Flood Control and Irrigation District, for six year terms to expire July 3, 1947:

Tom J. Dunbar of Memphis, Hall County;

J. A. Whaley of Memphis, Hall County.

Respectfully submitted,

COKE R. STEVENSON,
Governor of Texas.

The messages were referred to the Committee on Nominations of the Governor.

House Bill 6 on First Reading

H. B. No. 6, received from the House today, was laid before the Senate, read first time and referred to the Committee on State Affairs.

Suspension of Senate Rule 106

On motion of Senator Metcalfe and by unanimous consent, that part of Senate rule 106 relating to a 48-hour advance notice of a committee hearing was suspended to allow a hearing on H. B. No. 6 without written notice thereof to any members of the Senate.

House Concurrent Resolution 6

The Presiding Officer laid before the Senate and had read (the resolution having been received from the House today):

H. C. R. No. 6, Authorizing the State Highway Department to lend certain equipment to the City of Mount Pleasant.

On motion of Senator Stone and by unanimous consent, the resolution was considered and adopted at this time.

House Concurrent Resolution 8

The Presiding Officer laid before the Senate and had read (the resolution having been received from the House today):

H. C. R. No. 8, Relating to the requirements of the Social Security Board regarding employees of the State Department of Public Welfare.

On motion of Senator Vick and by unanimous consent, the resolution was considered and adopted at this time.

Notice of Executive Session Given

Senator Martin gave notice that he would call for an executive session of the Senate to be held at 11:00 o'clock a. m. tomorrow.

Recess

On motion of Senator Fain, the Senate, at 10:50 o'clock a. m., recessed to 3:30 o'clock p. m. today.

Afternoon Session

The Senate met at 3:30 o'clock p. m. and was called to order by President Pro Tempore Beck.

Report of Standing Committee

Senator Stone submitted at this time the following report:

Senate Chamber,
Austin, Texas,
September 16, 1941.

Hon. E. Harold Beck, President Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 6, A-bill to be entitled "An Act amending Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended; declaring the policy of the State with reference to building, maintaining, and financing state-designated roads; defining certain terms used throughout the Act; continuing the Board of County and District Road Indebtedness and prescribing the powers, duties, and obligations of said board; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be mimeographed but not otherwise printed.

STONE, Vice Chairman.

Adjournment

On motion of Senator Shivers, the Senate, at 3:35 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

In Memory of Mike Crane

Senator York offered the following resolution:

(Senate Resolution 13)

Whereas, While on duty for our National Government on a National Defense Project in Homer, Louisiana, Mike Crane was, on August 29, 1941, called upon to make the supreme sacrifice and to rest from his earthly labors; and

Whereas, This young man, Mike Crane, son of Mr. and Mrs. W. C. Crane of Franklin, Texas, having served in the Texas Senate as a Page under Lieutenant Governor Edgar E. Witt, and having had instilled in him throughout his life democratic principles; and

Whereas, This brave young man was doing his part in helping prepare his Country for defense; and

Whereas, The Senate desires to extend its sympathy to Mr. and Mrs. W. C. Crane and the other members of his family in their great loss; now, therefore, be it

Resolved by the Senate of Texas, That they acknowledge the passing of this patriotic young man by having a copy of this resolution spread upon the pages of the Senate Journal today as a gesture of their sincerity and gratitude for his contribution to our welfare; and, be it further

Resolved, That the Secretary of the Senate be instructed to send to the family of the deceased a copy of this resolution under his seal.

The resolution was read and was adopted unanimously by a rising vote.

In Memory of
Mrs. David H. Miller

Senator Kelley offered the following resolution:

(Senate Resolution 14)

Whereas, On Monday, September 15th, the Great Architect of the Universe called to rest Mrs. David H. Miller, the beloved mother of Honorable Roy Miller, Executive Vice President of the Intra-coastal Canal Association of Texas and Louisiana, and Director of Organization of the National Democratic Campaigns in Texas for the years 1932 and 1936; and

Whereas, Mrs. Miller has lived in Texas for more than forty-five years, was an active member of the Presbyterian Church and an outstanding Christian; and

Whereas, Mrs. Miller was noted for her graciousness and wisdom, as well as for her beautiful character; and

Whereas, Mrs. Miller was a loving and devoted wife and mother, and her life was an inspiration to all who knew her; now, therefore, be it

Resolved by the Senate of Texas, That we express to the Honorable Roy Miller and to Mrs. O. F. Bartine of Houston and Mrs. F. C. Kerns of New Jersey, daughters of Mrs. Miller, our deepest sorrow and sympathy in the loss of their wonderful mother, and extend to them the personal sympathy of each member of this Senate in this hour of sorrow and grief; and, be it further

Resolved, That this resolution be printed in the Senate Journal and that the Secretary of the Senate send a copy of this resolution to the Honorable Roy Miller, Mrs. O. F. Bartine and Mrs. F. C. Kern, and when the Senate adjourns today, it do so in silent tribute to the memory of Mrs. David H. Miller.

KELLEY,
SHIVERS.

The resolution was read and was adopted.

In Memory of
Hon. W. Van Sickle

Senator Winfield offered the following resolution:

(Senate Resolution 15)

Whereas, On Sunday, September 14, 1941, the Honorable W. Van Sickle was called to rest from his earthly labors; and

Whereas, The Honorable W. Van Sickle was born December 19, 1867, at Henderson, Texas, was educated in the public schools of Henderson, and was a graduate of the Sam Houston Normal at Huntsville; and

Whereas, Since 1885 the Honorable W. Van Sickle has resided in Brewster County, having gone there as one of the first teachers of the city now known as Alpine and having begun his practice of law in this city; and

Whereas, During his varied career he served as County Judge of Brewster County for twelve years and as Representative of the 96th District in the Twenty-seventh Legislature of Texas and was one of the foremost attorneys; and

Whereas, Throughout his life he devoted his energies to the welfare of the people; and

Whereas, The Honorable W. Van Sickle has left behind him innumerable friends who mourn his passing; and

Whereas, It is the desire of the Senate to pay tribute to the memory of this noble Texan and to extend sympathy and regard to his family; now, therefore, be it

Resolved by the Senate of Texas, That we acknowledge the passing of this statesman by having a copy of this resolution spread on the pages of the Senate Journal today; and, be it further

Resolved, That the Secretary of the Senate be instructed to send to the family of the deceased a copy of this resolution under his seal.

The resolution was read and was adopted.